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Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Report of the Second Committee

Rapporteur: Mr. Abdulmalik **Alshabibi** (Yemen)

I. Introduction

1. At its 1st plenary meeting, on 13 September 2005, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixtieth session the item entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" and to allocate it to the Second Committee.

2. The Second Committee considered the item at its 13th, 19th and 33rd meetings, on 27 October, 1 November and 2 December 2005. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.2/60/SR.13, 19 and 33). Attention is also drawn to the general debate held by the Committee at its 2nd to 7th meetings, from 3 to 5 October (see A/C.2/60/SR.2-7).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Note by the Secretary-General transmitting the report prepared by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan (A/60/65-E/2005/13);

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(b) Relevant chapters of the report of the Economic and Social Council for 2005.[1]

4. At the 13th meeting, on 27 October, the Executive Secretary of the Economic and Social Commission for Western Asia made an introductory statement (see A/C.2/60/SR.13).

5. At the same meeting, pursuant to section C, paragraph 3 (d) of General Assembly resolution 58/316, the Committee held a dialogue with the substantive representative, during which comments were made and questions were posed by the representatives of the Syrian Arab Republic, Kuwait, Israel, as well as by the observer for Palestine, to which the Executive Secretary of the Economic and Social Commission for Western Asia responded (see A/C.2/60/SR.13).

II. Consideration of draft resolution A/C.2/60/L.11* and Rev.1

6. At the 19th meeting, on 1 November, the representative of Egypt, on behalf of Afghanistan, Algeria, Bahrain, Brunei Darussalam, Comoros, Djibouti, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Namibia, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, South Africa, Sudan, Tunisia, the United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and Palestine,[2] introduced a draft resolution entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" (A/C.2/60/L.11*). Subsequently, Cuba joined in sponsoring the draft resolution. The draft resolution read as follows:

"*The General Assembly*,

"*Recalling* its resolution 59/251 of 22 December 2004, and taking note of Economic and Social Council resolution 2005/51 of 27 July 2005,

"*Recalling also* its resolution 58/292 of 6 May 2004,

"*Reaffirming* the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

"*Guided* by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

"*Recalling* its resolution 2625 (XXV) of 24 October 1970,

"*Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

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[1] A/60/3 and Add.1: for the final text see *Official Records of the General Assembly, Sixtieth Session, Supplement No. 3* (A/60/3/Rev.1).

[2] In accordance with General Assembly resolution 52/250.

"*Recalling* in this regard the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem, as well as in the occupied Syrian Golan,

"*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the 'Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory', and recalling also its resolution ES-10/15 of 20 July 2004,

"*Expressing its concern* at the exploitation by Israel, the occupying Power, of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

"*Expressing its concern also* at the extensive destruction by Israel, the occupying Power, of agricultural land and orchards in the Occupied Palestinian Territory, including the uprooting of a vast number of fruit-bearing trees,

"*Aware* of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, and of the dire economic and social consequences in this regard,

"*Aware also* of the detrimental impact on Palestinian natural resources being caused by the unlawful construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and of its grave effect on the natural resources, economic and social conditions of the Palestinian people,

"*Affirming* that the construction of the wall and the expansion of settlements by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, seriously threatens the fundamental right of people's sovereignty over their natural resources,

"*Reaffirming* the need for the immediate resumption of negotiations within the Middle East peace process, on the basis of Security Council resolutions 242 (1967), 338 (1973) of 22 October 1973, 425 (1978) of 19 March 1978 and 1397 (2002) of 12 March 2002, the principle of land for peace and the Quartet performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict, as endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003, and for the achievement of a final settlement on all tracks,

"*Recalling* the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

"*Taking note with appreciation* of the note by the Secretary-General transmitting the report prepared by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan,

"1. *Reaffirms* the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

"2. *Calls upon* Israel, the occupying Power, to stop exploiting, damaging, causing loss and depletion of or endangering the natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

"3. *Affirms* the right of the Palestinian people to claim restitution as a result of any exploitation, damage, loss or depletion, or endangerment of their natural resources resulting from illegal measures and actions taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem;

"4. *Demands* that Israel, the occupying Power, cease its construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem, as it is contrary to international law and deprives the Palestinian people of their natural resources, and calls in this regard for full compliance with the legal obligations stipulated in the 9 July 2004 advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15;

"5. *Calls upon* Israel, the occupying Power, to cease the dumping of all kinds of waste materials, including hazardous, untreated chemical waste and nuclear waste in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely the water and land resources, and poses an environmental hazard and health threat to the civilian populations;

"6. *Requests* the Secretary-General to report to it at its sixty-first session on the implementation of the present resolution, and decides to include in the provisional agenda of its sixty-first session the item entitled 'Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources'."

7. At the 33rd meeting, on 2 December 2005, the Committee had before it a revised draft resolution (A/C.2/60/L.11/Rev.1), entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources", submitted by Algeria, Bahrain, Brunei Darussalam, Comoros, Cuba, Djibouti, Guinea, Egypt, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Namibia, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, South Africa, Sudan, Tunisia, the United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen and Palestine.[2]

8. At the same meeting, the Committee was informed that the revised draft resolution contained no programme budget implications.

9. Also at the same meeting, the Committee adopted draft resolution A/C.2/60/L.11/Rev.1, by a recorded vote of 151 to 7, with 9 abstentions (see para. 14).

10. A statement in explanation of vote was made by the representative of Canada before the vote (see A/C.2/60/SR.33).

11. The voting was as follows:

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Albania, Cameroon, Côte d'Ivoire, El Salvador, Malawi, Papua New Guinea, Tonga, Tuvalu, Vanuatu.

12. After the adoption of the draft resolution, a statement in explanation of vote was made by the representative of the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union and the acceding countries Bulgaria and Romania, the candidate countries Turkey and Croatia, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro and the EFTA countries Iceland and Norway) (see A/C.2/60/SR.33).

13. The observer for Palestine also made a statement (see A/C.2/60/SR.33).

III. Recommendation of the Second Committee

14. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

The General Assembly,

Recalling its resolution 59/251 of 22 December 2004, and taking note of Economic and Social Council resolution 2005/51 of 27 July 2005,

Recalling also its resolution 58/292 of 6 May 2004,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Recalling its resolution 2625 (XXV) of 24 October 1970,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[1] to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling in this regard the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2] and affirming that these human rights instruments must be respected in the Occupied Palestinian Territory, including East Jerusalem, as well as in the occupied Syrian Golan,

Recalling also the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory",[3] and recalling further its resolution ES-10/15 of 20 July 2004,

Expressing its concern at the exploitation by Israel, the occupying Power, of the natural resources of the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing its concern also at the extensive destruction by Israel, the occupying Power, of agricultural land and orchards in the Occupied Palestinian Territory, including the uprooting of a vast number of fruit-bearing trees,

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.

[2] See resolution 2200 A (XXI), annex.

[3] A/ES-10/273 and Corr.1.

Aware of the detrimental impact of the Israeli settlements on Palestinian and other Arab natural resources, especially as a result of the confiscation of land and the forced diversion of water resources, and of the dire economic and social consequences in this regard,

Aware also of the detrimental impact on Palestinian natural resources being caused by the unlawful construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and of its grave effect on the natural resources, economic and social conditions of the Palestinian people,

Reaffirming the need for the immediate resumption of negotiations within the Middle East peace process, on the basis of Security Council resolutions 242 (1967), 338 (1973) of 22 October 1973, 425 (1978) of 19 March 1978 and 1397 (2002) of 12 March 2002, the principle of land for peace and the Quartet performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict,[4] as endorsed by the Security Council in its resolution 1515 (2003) of 19 November 2003, and for the achievement of a final settlement on all tracks,

Acknowledging the importance of the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and of the dismantlement of settlements therein as a step towards the implementation of the road map,

Recalling the need to end all acts of violence, including acts of terror, provocation, incitement and destruction,

Taking note with appreciation of the note by the Secretary-General transmitting the report prepared by the Economic and Social Commission for Western Asia on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan,[5]

1. *Reaffirms* the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

2. *Calls upon* Israel, the occupying Power, not to exploit, damage, cause loss or depletion of, or endanger the natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;

3. *Recognizes* the right of the Palestinian people to claim restitution as a result of any exploitation, damage, loss or depletion, or endangerment of their natural resources resulting from illegal measures taken by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and expresses the hope that this issue will be dealt with in the framework of the final status negotiations between the Palestinian and Israeli sides;

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[4] See S/2003/529, annex.

[5] A/60/65-E/2005/13.

4. *Stresses* that the wall being constructed by Israel in the Occupied Palestinian Territory, including in and around East Jerusalem, is contrary to international law and is seriously depriving the Palestinian people of their natural resources, and calls in this regard for full compliance with the legal obligations mentioned in the 9 July 2004 advisory opinion of the International Court of Justice and in General Assembly resolution ES-10/15;

5. *Welcomes* the Israeli withdrawal from within the Gaza Strip and parts of the northern West Bank and the dismantlement of the settlements therein as a step towards the implementation of the road map;

6. *Calls upon* Israel, the occupying Power, in this regard, to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the Occupied Palestinian Territory, including East Jerusalem;

7. *Also calls upon* Israel, the occupying Power, to cease the dumping of all kinds of waste materials in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, which gravely threaten their natural resources, namely the water and land resources, and poses an environmental hazard and health threat to the civilian populations;

8. *Requests* the Secretary-General to report to it at its sixty-first session on the implementation of the present resolution, and decides to include in the provisional agenda of its sixty-first session the item entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".